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WASHINGTON STATE

FAMILY LAW GUARDIAN AD LITEM

GUIDEBOOK

Excerpt/Ch. 9

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Connecticut was expressly granted permission to use whatever parts we wished
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[www.kcba.org/CLE/Title26GALDraft.pdf]

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For the most part, we have copied parts that are not dependent on any particular
state law. However, a few sections do have cites to the Washington statutes or
rules. Rather than hack those sections up, we left them intact.

You all would obviously have to rely on the Connecticut laws, procedures, rules
and practices!

ALLEGATIONS OF ABUSE DURING DIVORCE

There is a common misperception that allegations of abuse and neglect that arise during custody disputes have a high likelihood of being fabrications. These allegations are seen as a parent's (usually a mother's) attempt to disrupt a father's relationship with their child, to manipulate the custody determination, or to seek revenge. Overall, data suggests that allegations of physical and sexual abuse that arise during divorce are actually quite rare (Thoeness and Tjaden, 1990, 2002; Trocme and Bala, 1998).

First, examining all types of abuse, intentionally false allegations appear to be unusual. Trocme and Bala (2005) described the 1998 national incidence study in which 7,672 reports of abuse were investigated by 51 social welfare agencies across Canada. In their study, Trocme and Bala defined *unsubstantiated* allegations of abuse and neglect as ones which investigators judged to be untrue. *Intentionally false allegations* were defined as intentional fabrications "made with the hope of manipulating the legal system, or are made to seek revenge against an estranged former partner, or may be the product of the emotional disturbance of the reporter." Trocme and Bala distinguished these first two types of abuse and neglect reports from others they called "suspicious." In these cases, there was not enough evidence to make a determination that abuse or neglect had occurred but investigators maintained a strong suspicion that it had.

Forty-two percent of all child abuse and neglect allegations in Trocme and Bala's sample proved to be substantiated by investigators. An additional 23% of the allegations remained suspicious. Thirty five percent of the sample was made up of unsubstantiated cases in which 4% were determined to have been intentionally false and 31% were considered to be "the result of well-intentioned reports triggered by a suspicious injury or concerning behavior or a misunderstood story."

When looking the subgroup of allegations that were made during custody or access disputes, the rate of substantiated cases was 40% and in 14% investigators found the report suspicious. The rate of intentionally false allegations was somewhat higher with approximately 12% of reports falling into this category. Thirty-four percent of the allegations were judged to be unsubstantiated but made in good faith. Results of this analysis showed that neglect was the most

Existence of a Motive to Fabricate: What motives does the child have to fabricate a disclosure of abuse or neglect? Remember, when children lie it is usually to avoid trouble rather than to initiate it.

Adult receiving disclosure: This is particularly important in the context of a custody dispute. Although not indicative of a false report, when a child only discloses to one parent and is reluctant to discuss the abuse with anyone else, it may suggest coaching.

On the other hand, general statements with vague details are not as well accepted as detailed information about specific incidents. Below is a list of areas to consider when trying assessing the accuracy of abuse or neglect allegations.

1. What happened?
2. Were strategies used to keep the abuse secret?
3. Where did the event occur?
4. When did event occur?
5. Were there more than one event and if so what was the frequency?
6. What was the duration of overall abuse or neglect?
7. How severe was the incident?
8. Is there a history of prior incidents?
9. Did the perpetrator have access to the child (time alone)?

Other areas that may be assessed when an allegation of abuse or neglect has been made include:

- History of abuse or neglect in the parents family of origin
- Quality of the parents relationship while married
- Quality of the parents post separation relationship
- What does a parent have to gain by making an allegation? Does the alleging parent want the child to have a relationship with the other parent if that relationship is safe for the child or does the parent want to cut off contact completely?
- Quality of parent child relationship
- History of grooming behaviors
- Rules and discipline practices
- A parent's ability to protect the child in the future
- Presence of abuse in the sibling relationship
- Sexual boundaries in the home
- Coercive strategies used to control the child or other parent
- Parent and child roles
- Time elapsed between separation and allegations of divorce

CONCLUSION:

As a Guardian Ad Litem, your role will be to prescreen allegations of abuse or neglect. If the evidence you uncover suggests the probability that abuse or neglect occurred, it is then up to you to refer the family for further assessment by professionals expert in forensic evaluations of abuse such as CPS, police, sexual assault center, substance abuse evaluator, domestic violence

assessment or private evaluator. If a case comes to you in which abuse or neglect has been substantiated or is strongly suspected, your recommendations regarding custody, access and interventions will need to consider the impact of the abuse or neglect on the child and whether the events are likely to repeat. In making these recommendations, the effects of the abuse or neglect needs to be weighed against what the perpetrator has to offer the child and how that parent may provide benefits that the other parent cannot provide.

ABUSIVE USE OF CONFLICT

Parental conflict consistently emerges in divorce research as one of the principal factors negatively affecting children's pre-divorce and post-divorce adjustment. The courts recognize that when one parent continuously initiates or propagates conflict, when children are consistently exposed to ongoing high levels of conflict over long periods of time or when parents involve their children in interparental hostility, the use of conflict may become abusive. Many of the children living through these types of family dynamics begin to show a myriad of emotional and behavioral symptoms including depression, anxiety and aggression. This section attempts to outline the features of high conflict families, describe the harmful effects of this range of behaviors on children and suggest recommendations that Guardians Ad Litem may include in their reports to the court when evaluating these families.

Defining High Conflict

The term "abusive use of conflict" is a legal term found in the Revised Codes of Washington (RCW) chapter 26. Section 191 (3) of this chapter describes situations under which the court may limit or prohibit parent-child contact due to parental behavior that has "an adverse effect on the child's best interests" including:

"(a) A parent's neglect or substantial nonperformance of parenting functions; (b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions...; (c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions; (d) The absence or substantial impairment of emotional ties between the parent and the child; (e) *The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development*; (f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or (g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child."

When making a recommendation that the court consider a limitation in parent-child contact, it is important to describe specific behavioral anchors to support your recommendation. Although neither the RCW nor the professional literature defines the term "abusive use of conflict," there is a growing body of clinical reports and research that describes specific characteristics commonly seen in families where a high level of post-divorce conflict exists. In their 1992 book *Caught in the Middle*, Barris and Garrity described conflict from the child's point of view:

For children, conflict is any situation that places them between their parents or that forces them to choose between them. Being in the middle means anything from hearing one

parent belittle the other's values to vicious verbal attacks; from threats of violence to actual violence; from implicit appeals for exclusive loyalty to explicit demands that children side openly with one parent. Whatever forum it takes, all conflict hurts. The more intense, pervasive and open the hostility is, the greater is the damage to the children. And the longer it lasts, the greater the toll it takes."

As Baris and Garrity (1988) suggest, the level of conflict, the degree to which it pervades a child's life and the amount of open hostility provide a framework for describing parental conflict. The authors developed a *Conflict Assessment Scale* in which they defined mild to severe conflict. Parents who have Minimal Conflict in their relationship are able to parent cooperatively, separate the children's needs from their own, validate the importance and competence of the other parent, resolve conflict between the adults using only occasional expressions of anger and are able to bring negative emotions under control quickly. Mild Conflict included a relationship in which there was occasional berating of the other parent and quarreling in front of the child, questioning the child about personal matters in the other parent's life and occasional attempts to form a coalition with the child against the other parent.

In a parental relationship with Moderate Conflict, there is verbal abuse, loud quarreling, denigration of the other parent, threats of litigation and ongoing attempts to form a coalition with the child against the other parent around isolated issues. However there has not been a threat or history of physical violence. In Moderately Severe Conflict a child is not directly endangered by parental violence but the parents are endangering to each other. In addition there is a threat of violence, slamming of doors and throwing objects, verbal threats of harm or kidnapping, continual litigation, attempts to form a permanent coalition or alienate a child against the other parent and the child is experiencing emotional endangerment. Severe Conflict was identified as the presence of endangerment by physical or sexual abuse, use of drugs or alcohol to the point of impairment, and severe psychological pathology.

The Spectrum of High Conflict

Janet Johnston's 1995 article, *Children's Adjustment in Sole Custody Compared to Joint Custody Families and Principles for Custody Decision Making* (1995), outlines a number of common high conflict behaviors:

"Ongoing high conflict is identified by multiple criteria, a combination of factors that tend to be, but are not always, associated with each other: intractable legal disputes, ongoing disagreement over day-to-day parenting practices, expressed hostility, verbal abuse, physical threats, and intermittent violence."

High conflict cases often remain in the courts for two to three years or more without being resolved. There may be frequent changes in lawyers and usually have high levels of attorney involvement over day-to-day parenting practices. Visitation is seen as a parental right no matter how the schedule affects the children. When there is joint decision making, every child related decision is an opportunity for parental polarization and conflict. In general, there is a high level of overt hostility which takes place in front of the children and often leaks out into the child's school, sports and social environments. There are often frequent parenting plan and boundary

violations such as when one parent schedules an activity or vacation during the other parent's time without prior consent.

Those working in the area of divorce consistently find that for most high-conflict families, one or both parents exhibit the features or meet diagnostic criteria for a personality disorder. Characteristics of narcissistic, obsessive-compulsive, histrionic, paranoid, or borderline personality disorders are most common in high conflict cases.

How Personality Disorder Leads to High Conflict

Parents with personality disorders may become rigid in their perception of the other and tend to deal with situations that arise with extreme strategies. Many parents are polarized, viewing themselves as all good and the other as all bad. These parents focus on the traits within the other parent that reinforce their view of that parent, and they approach each new conflict as verification of how difficult the other parent is. These parents experience chronic externalization of blame, possessing little insight into their own contributions to the high conflict dynamic.

Parents with personality disorders may have a variety of strengths as parents. However, when focused on the conflict with the other parent they usually have little awareness or empathy for the impact their behavior has on their children. They routinely feel self-justified, believing that their actions or decisions are best for the children and no alternatives will suffice. No matter how much helping professionals try to keep the focus on the children, these parents remain focused on their own experience and on the conflict.

Some other manifestations of parental personality disorder observed in high conflict divorce are:

- A High degree of distrust;
- A poor sense of boundaries;
- A lack of differentiation between the parent's and the child's thoughts and feelings in a manner that discourages the child's autonomy;
- The parent may openly express their own emotional distress regarding ongoing disputes with the other parent or the absence of the children.
- Parent relies on their children for emotional support and sustenance leading to parentification of the child;
- Rigid and inflexible thinking about child development and parenting practices;
- Feelings of intense bitterness;
- Intense feelings of fear, anger, upset and powerlessness;
- Rewriting the history of the marital relationship in a manner that highlights the negative features and dismisses the positive ones as a way to defend against feeling deeply hurt by the other parent's decision to separate or developing a super-idealized view of the marriage and its memories;
- Uses conflict to defend against a deep feeling of rejection that is damaging to the parent and affects their core sense of themselves;
- Uses conflict as a defense against helplessness and guilt;
- Distrust of the other person as a parent;

- An overwhelming sense of unresolvable loss;
- Generalized anger toward life and members of the opposite sex; and
- A high degree of competitiveness in the marriage and in the separation.

Impact on Children

Also characteristic of high conflict custody cases is a tendency toward involving the children in disputes, denigrating or vilifying a parent in front of the children, and devaluing or sabotaging the other parent's relationship with the child. For example, a conflict generating parent often has a history of denying the other parent access to the child and often interferes with visitation and telephone contacts. Children of high conflict parents may be regularly asked to carry messages about provocative or conflictual issues (e.g. changes in child support or a remarriage) to the other parent. The children may be used to spy on the other parent's household indirectly through the use of intrusive questions or directly with requests that the child report on activities in the other household. High conflict parents often encourage their child to align with them and at extreme levels attempt to alienate the child from the other parent.

Children in high conflict families usually feel torn between their parents or resolve the loyalty conflict by aligning with one parent. Children frequently tell each parent what they want to hear in order to avoid rejection or disappointing the parent. In order to seek favor or reassurance from a conflict inducing parent, a child might volunteer information about the other home, focusing on or magnifying the negative aspects and leaving out or denying the positive ones. In some cases, a child's previously warm and positive relationship with a parent becomes awkward or estranged. Appendix One provides a comprehensive list of behaviors one might find in high conflict families.

High Conflict and Domestic Violence

Although not all divorcing high conflict parental relationships involve violence, data suggests that between fifty and seventy-five percent of them involve some type of domestic abuse or evidence of ongoing control in the parental relationship (Jaffe, Crooks, and Poisson, 2003). In some families where a pattern of domestic violence exists but has not been visible, signs of conflict emerge around the time of separation or divorce when the abused partner begins to emancipate from the batterer. The presence of domestic violence in custody disputes is addressed elsewhere in this manual and will not be discussed here but we will review characteristics that differentiate high conflict families from those in which domestic violence exists.

Clare Dalton, Judge Susan Carbon, and Nancy Olesen (2003) suggested that control is one of the main differentiating factors. In the chart below the authors compared high conflict couples with couples where domestic violence control-initiated conflict is present.

High Conflict	Abuse
<i>The likelihood of personality disorders in both partners, stemming from unresolved childhood issues.</i>	<i>One partner exhibits attitudes and behavior designed to exert inappropriate control in the relationship, while the other may display symptoms of physical and/or emotional injury from exposure to abuse.</i>
<i>The partners' unresolved feelings regarding their failed relationship, which are channeled into fighting over the children.</i>	<i>The abusive partner's unresolved feelings regarding his or her partner's desire to separate from the relationship prompt the abusive partner to fight for custody or generous access to the children as a way of punishing him or her for leaving, or using the children to meet physical or emotional needs. maintaining access to the partner,</i>
<i>Mistrust of each parent for the other, based on the distorted and exaggerated negative view of each held by the other.</i>	<i>Mistrust of the abusive partner by the spouse, solidly grounded in past experience and well-informed assessment of the abuser's current intentions and likely future behavior, along with unfounded allegations about the abused parent made by the abusive , based on his or her distorted and exaggerated negative view of the abused parent.</i>
<i>Cycles of reaction and counter reaction which further erodes the possibility of trust.</i>	<i>Repeated instances of manipulation and control, which further erode the abused partner's capacity to trust the abuser.</i>
<i>Pressure on the children to "take sides," leading children, on occasion to relieve the pressure by pleasing one parent since they cannot please both.</i>	<i>Children fearful of exposure to the abusive partner's dangerous, neglectful, or inappropriate behavior, yet often desirous of maintaining a connection to him or her and sometimes distrustful of the abused parent's capacity to meet their physical, social and emotional needs.</i>

It is important to examine the differences between high conflict and domestic violence because recommendations for custody, access and decision making may be different depending on this distinction. Important questions to ask in your efforts to clarify this issue are: Were allegations of violence raised before or after the separation? If raised afterwards, is there evidence of prior violence or control? What are the specific incidents on which a parent is basing allegations? Is there evidence to corroborate the parent's reports? However, even when the allegations only come up after separation and there is no corroborating data, domestic violence may well have occurred.

Recommendations for High Conflict Families

What do you do with these high conflict couples when developing recommendations for a parenting plan? The goals of your recommendations are to protect the children from parental conflict and reduce the likelihood of ongoing conflict and litigation. We are looking for the least restrictive recommendations that meet those criteria. In general, the greater the overt conflict the more the two families should be encouraged or directed toward parallel parenting rather than cooperative parenting. In Parallel parenting, points of contact between the parents are minimized and independence in parenting style, home structure and rules are encouraged. Contentious interactions arise when an element of the parenting plan is vague or ambiguous. Therefore, the greater the conflict the more detailed and less flexible the parenting plan must be (Stewart, 2001; Baris and Garrity, 1994).

Residential Custody

In Janet Johnston's (2002) article *High-Conflict and Violent Parents in Family Court: Findings On Children's Adjustment, And Proposed Guidelines For The Resolution Of Custody And Visitation Disputes*, she lays out specific recommendations regarding primary custody in parenting plans for high conflict couples:

1. Where there is *indication of both current AND episodic or ongoing threats of and/or use of violence*, sole legal custody should normally be given to the nonviolent parent. In these cases, the noncustodial parent may be denied right of access to the child's medical and educational records if such information would provide access to the custodial address and telephone number, which the custodial parent has the right--for safety reasons--to keep confidential.
2. Where there is a history of domestic violence that is *not* current, nor both recent AND episodic, or ongoing, there should be no presumption in favor of any particular legal custody arrangement."

Other experts in the area of high conflict divorce suggest a primary parent may be necessary when conflict is overt and consistent even when domestic violence is not an issue.

Transitions

- When it is possible to exchange at a parent's home or when exchanges have to take places at other locations, such as airports, the parent who is dropping the children off should provide the transportation so that they can say good-bye to the children without pressure from the receiving parent.
- If parents cannot contain their anger during transitions, a neutral drop-off point may be necessary to ensure minimal or no contact between parents. School is often the most convenient location and the most comfortable place for the children to make the exchanges. If school does not work, other potential drop off areas include a public library, the home of a mutual friend or neutral relative, or extracurricular activities (if the parent dropping off

leaves before the receiving parent gets there). Police stations should be avoided, if possible, as they often create heightened anxiety for the children (although at times this may be the best solution).

- Transitions may need to be scripted. An example may be: The parent dropping off the child says most of their good-byes prior to the actual transition (e.g. before getting out of the car). The parents say hello to each other and exchange necessary information regarding the care of the child such as last meal time, illnesses, or medical regimens. The parent dropping the child off says a short good-bye and encourages the child to transition to the other parent.
- If conflict continues to be a problem at transitions, transfers by a neutral party or supervised transfers may be necessary.
- When conflict during transitions remains high despite use of these other strategies, it may be necessary to adjust the visitation plan, by decreasing the number of transitions and substituting longer visits even with younger children.

Communication

- The greater the conflict, the more important it is to minimize direct communication between the parents.
- If communicating basic information during transitions creates conflict, a log with basic information could be passed back and forth. It is important to outline the type of information that should and should not be communicated. For example, the log could include information about meals, activities, medications and injuries. It is not a place to criticize the other parent or document failures to follow the parenting plan. The log may be more successful if it is not admissible in court.
- Email communication is often used successfully; particularly when there are guidelines for its use (see Appendix Two for detailed email communication guidelines).
- As GAL, you may need to monitor email for a period of time to assist parents in using it successfully as a means of communication. Long term monitoring may also be necessary.

Schedule Changes

- Changes should be firmly kept to a minimum.
- If a change to the basic schedule is unavoidable, it should be written out in detail so misunderstandings are minimized.
- The residential parent must OK any change that takes place during their time before the change is made and before the children are notified of the change.

Special Events and Holidays

- When parents are unable to celebrate holidays and special events peaceably in each other's presence, it is best to alternate special events (such as the children's birthdays) or hold celebrations in both homes.

Telephone

- There should be unrestricted, private telephone contact between the children and the nonresidential parent.
- If unrestricted calls are not occurring, phone appointments should be made two or three times a week. Consequences would occur if the residential parent is not home during scheduled calls or interferes with calls in some other way.
- There are arguments for having make-up phone calls and for not having them. On the one hand, phone contact with the non-residential parent should be encouraged. On the other hand, when telephone calls are a source of conflict, rescheduling them provides one more avenue for conflict. There are a variety of circumstances under which phone calls are missed or cancelled. When a parent is intentionally missing phone calls to hamper a child's communication with the other parent, phone calls may be made up. In this case a make-up time should be scheduled within 24 hours. If the calling parent misses more than one phone appointment within two weeks, the call would not be rescheduled.
- Each parent should notify the other in advance if missing a phone appointment is unavoidable.

Children's events

- When possible, both parents may attend events (school activities, sports practice or games, performances for extracurricular activity). If there is conflict, families may try to both be present but not sit near each other or talk to each other.
- There needs to be an agreement that children may take a few minutes to approach the non-residential parent to say hello. After five to ten minutes the non-residential parent should encourage the child to return to the residential parent.
- If conflict continues to occur when parents attend the same event, separate or alternating attendance should take place.

- When there is a high level of conflict, schools should be encouraged to meet with parents separately for school conferences. Each parent may be given half of the time allotted to other families if teachers' time is limited. When this is not possible, parents could alternate conferences or make other arrangements with the children's teachers.

Decision Making

- Joint decision making is contraindicated for high conflict families who have a history of failure to resolve decisions.
- The parent who is more able to make appropriate child oriented decisions should be given sole decision making.
- Another alternative would be having, a GAL, parenting coordinator, mediator or arbitrator in place, possibly for long term, to assist in resolving differences.

Dispute Resolution

Janet Johnston (2002) recommends "A Spectrum of Alternative Dispute Resolution Services for Divorcing Families" which begins with the least intrusive intervention and increasingly sets up additional structure and monitoring as it becomes apparent that a high conflict couple cannot successfully use less restrictive forms. Some forms may be used simultaneously such as Co-Parent Counseling to address communication enhancement and setting appropriate boundaries and impact directed mediation to deal with specific issues such as a child support modification.

Co-Parent Counseling

These therapies are conducted by a mental health professional that has specific experience working with high conflict divorced or divorcing couples. Treatment has two main areas of focus. First, therapy provides feedback regarding how parents' behavior may positively or negatively affect their children and information regarding child development. The second area of focus is communication, problem solving and decision making with the other parent. At times the therapist works with both parents in the same room and other times works with each parent in parallel in individual sessions. It is appropriate to work with parents separately when one parent feels uncomfortable, pressured or coerced while in the other parent's presence.

Mediation and Consultation

Johnston and Roseby (1997: 230-231) point out that mediation, as originally conceived, "is the use of a neutral, professionally trained third party in a confidential setting to help disputing parents clearly define the issues, generate options, order priorities, and then negotiate and bargain differences and alternatives about the custody and care of their children after divorce." Mediation and consultation are inappropriate for cases involving serious allegations of abuse, molestation, domestic violence, severe mental illness, substance abuse, etc.

Therapeutic or Impasse-Directed Mediation

This type of mediation integrates mediation and therapy. The rationale for using this type of dispute resolution process is the assumption there are underlying emotional factors that contribute to the impasse between the parents and that this must be dealt with before the parents can make rational, child-centered decisions.

Parenting Coordinator

Also called a case manager, Guardian Ad Litem, special master, custody commissioner, or parenting plan coordinator. This professional is appointed by stipulation of the parties or an order of the court to manage ongoing conflict, help co-ordinate parenting, make timely and flexible decisions, and case manage with other professionals involved. Includes access to children or their therapists.

Arbitration

When there is joint decision making in families Although Johnston includes arbitration in her scheme for intervention and dispute resolution, we approach this as a separate and final level in the dispute resolution process. An arbitrator would make a legally binding determination when a high conflict couple is unable to come to resolutions over specific disagreements.

Other Services to High Conflict Families

Psychotherapy

Individual counseling would address psychological factors that are contributing to an impasse in the dispute resolution process and assisting the parents in understanding the child's needs.

Supervised Visitation

Where there is recent concern about a child's physical or emotional safety, due to allegations of child abuse, battering, parental substance abuse or severe psychological pathology on the part of the parent, supervised visitation is often recommended by the GAL. It may also be used when abduction is a threat. In this context supervised visitation is only about protecting the child physically and giving an anxious or fearful child the support of a protective adult in hopes of reducing their fears during visits. If interactions between parent and child become inappropriate or the child becomes stressed, the supervisor could terminate the visit.

Supervised visitation is observation only, as compared to therapeutic visitation below, where the third party will intervene in an effort to bring about more appropriate parent-child interactions.

Therapeutic Supervision

A therapeutic supervisor not only keeps the child protected from harm but may also teach parenting skills, facilitate needed discussion between parent and child and in high conflict

situations, aid children in remaining focused on their own emotions and needs rather than reactively siding with a parent.

We have also used therapeutic supervision in situations where parent and child have had little contact in recent years (due to lack of attachment, alienation, or parental absence) and need the help of a facilitator to normalize feelings and explore a basis for the relationship.

Suspended Visitation or Temporarily Suspended Visitation

When there has been a history of child abuse, witnessing parental battering, ongoing substance abuse or ongoing severe parental pathology and despite intervention, the child continues to be anxious and fearful; visits may need to be suspended. If permanent suspension of contact is being considered the GAL must weigh the cost of the child losing the parent against future benefits of continuing the relationship.

Reunification Therapy

When there has been estrangement due to child abuse, battering, the child has been co-opted into alienation by the other parent, or there has been a long term disruption to the parent-child relationship for some other reason, reunification therapy may be helpful. There is some functional overlap between therapeutic supervision and reunification therapy in the areas of facilitating a parental apology to the child, having the child voice their experiences and setting rules for how the parent-child dyad will act together in the future. In cases of alienation or a child deciding to align with one parent to avoid conflict; reunification therapy is aimed at helping the parent understand the difficult situation the child is in and what approaches may be the most useful in establishing meaningful dialogue. For the child, reunification therapy targets helping the child to detach themselves from the alienating parent's emotional aggressiveness and reconstituting a relationship with the parent with whom they have become estranged. Reunification therapy may be a long, delicate process that takes considerable skill on the part of the practitioner, requires court structure to assure the alienating parent will make the child available for appointments and requires patience on the part of all the participants.

The GAL assessment is focused on determining a parenting plan and interventions that will support the children's positive adjustment to their parents' separation, support the children's healthy development as they age and allow for meaningful parent-child relationships. The degree of structure and level of intervention recommended for these families depends on the parents' ability to cooperate or collaborate on behalf of the children and their ability to maintain an environment that is safe, nurturing and encouraging. As the parents' ability to provide these important factors decrease, recommendations will seek to increase the structure and rigidity of the parenting plan and provide for higher levels of intervention.

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Other Helpful Resources

Department of Justice Canada. www.justice.gc.ca/en/ps/pad/reports/index.html - Series of literature reviews and research on various topics related to divorce.

Revised Codes of Washington (RCW) <http://apps.leg.wa.gov/RCW/default.aspx>

Shared Parenting Council of Australia
http://www.familylawwebguide.com.au/spca/index.php?page=library&keep_su=secretary_s
pca Articles on divorce and high conflict

Washington Administrative Codes (WAC) <http://apps.leg.wa.gov/WAC/default.aspx>

APPENDIX ONE

CHARACTERISTICS OF HIGH CONFLICT FAMILIES

Naomi Oderberg, Ph.D. & Margo Waldroup, MSW

The following table lists many of the behaviors seen in high conflict families. It is meant to help identify, describe and organize the behavior associated with each family member.

1) Presence of Violence and Abuse	
Parent has a criminal conviction for a sexual offence, act of domestic violence or child abuse.	
There is a pattern of domestic violence.	
There is an isolated incident of domestic violence around time of separation.	
Police have been called to break-up parental conflict.	
There are allegations of physical or sexual abuse or domestic violence.	
Child welfare agencies have become involved in the dispute.	
There is a confirmed or alleged history of ongoing verbal aggression, hostility or abuse.	
There is a confirmed or alleged history of intense jealousy, withholding family resources, monitoring a partner's movements or other evidence of abusive power and control dynamic.	
Frequent, demanding, critical or abusive telephone calls and email communications (leaves diatribes on the other parent's voice mail).	
Threats of violence, destroying the parent or taking the children away from a parent.	
2) Legal Involvement	
One or the other party has gone to the court several times to resolve issues.	
The divorce proceeding has been before the court for at least two to three years without being resolved.	

A parent is repeatedly in contempt of the court order.	
A parent has changed lawyers several times.	
There is frequent lawyer involvement and ongoing disagreement over day-to-day parenting practices and inconsequential matters.	
There is a large amount of collected affidavit material related to the divorce proceeding with harmful content against the character of the other parent.	
Inappropriate legal information is communicated to the children directly or through legal documents being left where the children can see them.	
3) Behavior Relating to the Other Parent:	
Traumatic or ambivalent separations.	
Rewrites history of the marital relationship as all bad or as idealized.	
History of denying the other parent access to the children.	
Blames all difficulties on the other parent and does not take responsibility for their own contributions to the conflict or effect their behavior has on the children.	
Disrespectful, devaluing attitude and behavior toward the other parent.	
Boundary violations and manipulations (Gets tickets to Mexico two days early during other parent's residential time, putting the residential parent in a bind).	
Withholds support payments or money owed for medical or other expenses.	
A tendency to vilify the other parent.	
Polarized positions lead to frequent disagreements over schedules, finances, child related activities, and access to children.	
Uses the same destructive patterns of provocation and retaliation that were used in the marriage.	
The parent is rigid in their interpretation of the other parent's intention, behavior, thoughts or feelings and is unable to consider alternate explanations.	
Old disagreements from the beginning of the marital relationship become part of later disputes over the children.	
Transfers negative views from the marriage to the current situation whether or not they are relevant.	
Efforts to block access to information or participation in the children's school, social and recreational activities.	
Withdrawal and non-communicative behavior such as refusing to speak with, look at or acknowledge the other parent at transfers or answer phone calls or emails.	
Resolves disagreements by avoiding the other parent and the issues raised rather than by verbal reasoning.	
4) Parent's Behavior in Parent-Child Interactions	
Parents argue violently or constantly in the presence of the children.	
The interparental struggle takes center stage and as a consequence, the parent does not perceive or respond to the child's needs and	

personal circumstances.	
A parent is more interested in exacting revenge or maintaining control than they are in solving conflict or protecting the children.	
Residential time is seen as the parent's right despite the effect of a particular schedule on the children.	
Parent is self-focused and has difficulty distinguishing their needs from those of their children's.	
During interviews the parent is unable to answer questions concerning the child's well being without repeatedly refocusing the conversation on their own feelings or negative experiences with the other parent.	
Parent has poor boundaries and encourages enmeshment rather than autonomy in the children.	
Does not protect the children from their own emotional distress and ongoing disputes with the other parent.	
The parent depends on their child for emotional support in a way that ignores the child's needs and experience.	
Parents engage in a competition for the child's affection.	
A parent uses guilt to manipulate the child or plays a victim role to gain their loyalty or pity such as, "I just don't know what I'll do when you're with dad/mom."	
The child is rejected or punished for expressing positive thoughts or feelings about the other parent.	
Does not allow the child to approach the other parent or emotionally punishes the child for acknowledging the other parent at performances, activities or other events.	
Children are actively involved in disputes in a number of ways such as asking them to choose an activity when parents endorse different options (e.g. one parent favors soccer and the other baseball).	
Children are used as spies (child complies) and asked to report on the activities at the other household.	
Children are interrogated about the other parent's activities, relationships, parenting decisions, other aspects of the child's life when with that parent (child is pressured to respond).	
Parents insist that the children carry verbal or written communications between homes about topics of conflict to the parents such as late support payments or missed visits.	
Parent encourages the child to align with them and reject the other parent.	
The parent does not allow the child to take any of their belongings to the other parent's home or does not allow them to bring anything from the other parent to their home.	
A parent changes the child's clothes into clothes they've bought as soon as the child transitions to them.	
Distorts the truth about the other parent's behavior or tells the truth without considering the effect the information has on the child.	
Bombards the child with negative stories about the other parent.	

Frequently criticizes, devalues or diminishes the other parent to the child. Uses words such as "liar" or "adulterer" to describe the other parent.	
Allows the child to overhear phone conversations about conflicts, criticism and hostile feelings toward the other parent.	
A parent implies that the other parent is dangerous in some way when there is no evidence that the child is in danger.	
A parent magnifies or exaggerates the other parent's behavior. For example if a parent is labeled an alcoholic although they only drink moderate amounts of alcohol occasionally.	
Devalues or minimizes the importance of the child's relationship with the other parent or repeatedly points out how they have been trustworthy, reliable and devoted to them while the other parent has not.	
A parent communicates that other activities are more important than phone calls or scheduled visits with the other parent.	
The parent makes "loaded" comments to the child before transitions such as "It's too bad you have to go to dad's/mom's and miss your cousin's party."	
A parent will not be home at designated times for scheduled phone calls, will not answer the phone when the other parent calls or does not give the child messages from the other parent.	
A parent interrupts the child's time with the other parent in various ways such as frequently calling to speak with the child or check on them. This may increase the child's anxiety about the other parent and can make the child feel guilty about visitation.	
Makes intentionally provocative decisions or ones that blatantly disregards the other parent's values (cutting a child's hair, piercing ears, allowing tattoos).	
Minimizes the impact that being separated from the other parent will have on the child.	
Views a relocation which significantly decreases contact with the other parent as something that will not have much impact on the child or that the child can easily cope with.	
Parent identifies the child as having the same characteristics as the disliked parent.	
Parent restricts child's access to other parent's extended family members	
5) Child's experience	
The child feels torn in their loyalty to each parent (usually younger than nine years of age).	
Child tells each parent what they want to hear leading to contradictory messages to the parents.	
Child allies with one parent to resolve their loyalty conflict (more likely in nine to twelve year olds).	
A child volunteers information about the other home, focusing on or	

magnifying the negative aspects and leaving out or denying the positive ones.	
Child does not spontaneously offer any information about the other parent or activities at the other household, as would occur in non-conflictual families (I saw that movie at dad's).	
The child feels anger, fear, sadness and powerlessness in response to the parents' conflictual relationship with each other.	
Feels pressure to take sides with one parent or the other in a disagreement between parents.	
It feels untenable and stressful for the child to be at a location with both parents at the same time (transitions are stressful)	
Child begins to reject the other parent, having tantrums at transitions or refusing to go on visits when it is not justified.	
The child displays separation anxiety but only prior to transitions with the other parent and not in other situations.	
Child ignores non-residential parent when together at child focused events such as sports or school activities.	
Child discontinues displays of affection toward one parent in order to avoid disappointing the other parent or appearing disloyal.	
Children recount minor grievances as reasons for disliking or discontinuing contact with the other parent.	
Child parrots complaints about the non-residential parent using the same words and tone as the residential parent.	
Child fears previously trusted parent because of the other parent's view that s/he is dangerous in some way.	
6) Extended family and others	
Child's access to extended family members is restricted.	
The parent creates alliances with friends and family members (sometimes of the other parent's), helping professionals, counselors and lawyers, by constantly relating their negative perceptions of the other parent to them.	
Attorneys, therapists, friends and family accept one parent's side of the story without considering alternative explanations and fuel the dispute by suggesting that the "victim" take an aggressive and uncompromising stance.	
A parent's family members join the hostile parent in denigrating and devaluing the other parent in front of the child.	

This table was created by the authors with some information coming from the following sources: Gilmour, 2004; Stewart, 2001; Johnston, 1995; Emery, 1982; Pearson & Gallaway, 1998; Nelson, 1989; Johnston, Gonzalez and Campbell, 1987; Johnston, 1994; Johnston et al., 1985; Johnston, Campbell, and Mayes 1985; Buchanan et al., 1991; Buchanan & Waizenhofer, 2001; Warshak 2001; Jaffe, Crooks, and Poisson, 2003.

APPENDIX TWO

GUIDELINES FOR E-MAIL COMMUNICATION

Naomi Oderberg, Ph.D. & Margo Waldroup, MSW

Here are some guidelines to help structure e-mail communication in high-conflict families. It may be helpful to monitor emails and provide feedback to parents while they are learning more adaptive communication.

1. The tone of email communications should be neutral and polite. There should be no name calling, put downs, sarcastic comments, verbal threats, demanding or derogatory language which will enflame the conflict. Parents may want to wait 1-24 hours before sending an email so they have time to review and edit before sending it out.
2. The content would be business like, just the facts, and restricted to areas that directly affect the children such as scheduling, appointments and school or other activities. Unresolved feelings about the relationship or a critique of the other's parenting should not be included. Emails could be used in court and parents should be aware that inappropriate emails may be used against them.
3. If a child complains about something that occurs at the other parent's home, send a courteous inquiry asking for an explanation instead of assuming the worst.
4. If the one parent inquires about something that happened at the other parent's home, that parent needs to respond politely with an explanation, request for more information, apology or a solution, whichever is appropriate.
5. Emails should be kept short, between one and four sentences in length. One format is to a) present the issue, request or difficulty; b) state the goal or offer a solution; c) suggest the other parent provide other solutions. For example: "I am concerned that Joshua is having difficulty keeping track of his homework. We could set up a homework log. Any other ideas?"
6. The number of emails sent each week should be limited. Some practitioners suggest a maximum of one a day or one longer email once a week. The limit ensures that parents do not end up having to respond to emails constantly. In situations where one parent feels highly anxious or intruded upon, fewer emails may help create a calmer atmosphere.
7. There needs to be an agreement about how often parents check their email (from once a day to once a week) and how long they have to respond (24-48 hours). If a parent can't respond within that timeframe, they should send an email stating when a response will be forthcoming. For example: "I do not know if I will be available Saturday the 14th, I will let you know by next Thursday."

8. If there is a time sensitive issue, such as the illness of a child, having to cancel a visit with short notice or an emergency, there needs to be some form of back-up communication such as text messaging or voicemail.
9. Both parents should keep a hard copy of all communications for future reference.
10. The files holding past emails should be password protected to keep them out of the children's sight.